REMARKS

The Specification has been amended. Claims 1, 3 - 4, 10, and 12 - 20 have been amended. No new matter has been introduced with these amendments, all of which are supported in the application as originally filed. Claims 1 - 20 remain in the application.

Applicant is <u>not</u> conceding that the subject matter encompassed by the claims as presented prior to this Amendment is not patentable over the art cited by the Examiner, and claim amendments in the present application are directed toward facilitating expeditious prosecution of the application and allowance of the currently-presented claims at an early date. Applicant respectfully reserves the right to pursue claims, including the subject matter encompassed by the claims as presented prior to this Amendment and additional claims, in one or more continuing applications.

I. Rejection under 35 U. S. C. §102(e)

Paragraph 4 of the Office Action dated February 14, 2008 (hereinafter, "the Office Action") states that Claims 1 - 20 are rejected under 35 U.S.C. §102(e) as being anticipated by U. S. Patent Publication 2003/0177025 to Curkendall et al. (hereinafter, "Curkendall"). This rejection is respectfully traversed.

Independent Claim 1:

In response to Applicant's arguments submitted January 2, 2008 (hereinafter, "Applicant's prior response") with regard to Claim 1, the Office Action cites para. [0237] of

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Curkendall as teaching

> an Event is a group of data used to represent a discrete transaction against an animal. The event structure allows for any type of data, including binary data, to be attached to an animal or item, and allows for that data to be uniquely identified, classified, time-stamped, audited, and related to other data for that animal or item.

Office Action, p. 14, lines 10 - 14, emphasis added. The Office Action then states that Curkendall's "event is construed as a transfer" (Office Action, p. 14, line 14) and that

> the art recites data used to represent a discrete transaction, discrete being defined as different for each event transaction. The time-stamp is construed as a unique identifier assigned to each most-recent transfer of the animals. (Office Action, p. 14, lines 14 - 17, emphasis added).

Applicant respectfully disagrees with this analysis in the Office Action. First, Applicant notes that the cited para. [0237] states that an event is a group of data used to represent a discrete transaction against an animal, referring to the animal in the singular. This is different from Applicant's claim language, which refers to animals in the plural. See Claim 1, line 3, "... a transfer of animals ..." (notably, a single transfer, yet multiple animals).

Applicant also respectfully notes that the language of Claim 1 has been clarified herein to recite that the "most-recent transfer" is a "most-recent previous transfer". See Claim 1, line 9 (emphasis added). This is illustrated, for example, in Applicant's **Fig. 3B**. As shown therein,

- reference number **385** depicts the "unique passport identifier" as recited at Claim 1, line 5 (which, in this example, indicates that the value "09090909" has been assigned as the unique passport identifier for passport **380**); and

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• reference numbers **391** and **392** depict "the unique passport identifier [that was] assigned to each most-recent <u>previous</u> transfer" (Claim 1, lines 8 - 10, emphasis added) of the animals that were transferred according to passport **380**.

The scenario represented by passport **380** is also depicted in **Fig. 1**, where "Passport 5" represents a transfer of 87 cattle from Auction Barn and corresponds to passport **380**. (See the entry of "87" as number of animals transferred, which is noted on passport **380** in the upper left and which is shown in **Fig. 1** by an encircled number 87.) The reference numbers **391** and **392** shown near the bottom of passport **380** correspond to 2 <u>previous</u> (and most-recent) transfers of these 87 cattle. In particular, the 87 cattle are comprised of a group of 60 cattle, and a group of 27 cattle, each group having been previously transferred to Auction Barn under passports 1 and 2, respectively.

In contrast to this "most-recent previous transfer" as recited on lines 8 - 10 of Claim 1, Applicant respectfully submits that the time-stamp as discussed in the Office Action on p. 14, lines 14 - 18 and as described in the cited para. [0237] of Curkendall is a time-stamp of the <u>current</u> event (where the Examiner interprets this event as a transfer, per line 14 on p. 14 of the Office Action).

In view of the above, Applicant respectfully submits that the cited text of Curkendall does <u>not</u> disclose all limitations of his claimed invention as recited in Claim 1, and Claim 1 is therefore deemed patentable over Curkendall.

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Applicant therefore respectfully submits that dependent Claims 2 - 15, which depend from Claim 1, are patentable by virtue of (*inter alia*) the patentability of Claim 1. Furthermore, selected ones of these dependent claims will now be discussed, demonstrating that these claims are independently patentable over Curkendall.

Lines 3 - 7 of <u>Claim 13</u> recite "... wherein each of the animal passports further comprises a specification of how many animals are represented by each transfer, a location of the animals during a timeframe covered by the animal passport, and an identification of one or more transferors and one of more transferees ...". This claim language is analyzed on p. 6, line 11 - p. 7, line 2 of the Office Action, which cites paras. **[0027]** and **'0012]** of Curkendall. Applicant respectfully notes that the cited para. **[0027]** merely refers to different entities that "typically maintain" their own database, and the cited para. **[0012]** discusses "identifying and tracking <u>individual</u> animals" (para. **[0012]**, lines 5 - 8, emphasis added). Referring to different databases, and tracking of <u>individual</u> animals, is <u>different from</u> Applicant's claim language as recited in Claim 13. In particular, the cited paragraphs of Curkendall do not teach (at least) the above-recited "how many animals ..." or "a location of the animals during a lifetime ...", or an animal passport that represents a transfer of <u>animals</u> in the plural (as recited at line 3 of Claim 1). Accordingly, the cited paragraphs are insufficient to anticipate Applicant's claim language. See, for example, *Apple Computer Inc. v. Articulate Sys. Inc.*, 57 U.S.P.Q.2d 1057, 1061 (Fed. Cir. 2000), which held "Anticipation under 35 U.S.C. §102 requires the disclosure in a single piece of prior art of <u>each and every limitation</u> of a claimed invention.", emphasis added.

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The arguments presented above with regard to Claim 13 apply also to the claim language recited on lines 2 - 5 of Claim 14. Applicant also respectfully submits that Curkendall does not teach the "determining ..." and "preparing ..." claim elements recited in Claim 14 on lines 7 - 9 and 10 - 12, respectively. When analyzing the previous claim language of Claim 14, the Office Action cites para. [0364] of Curkendall (Office Action, p. 7, lines 7 - 10). However, as can be seen by reference to para. [0364] and **Fig. 55** to which it refers, each and every limitation of Applicant's Claim 14 is not disclosed therein, and Claim 14 is therefore deemed patentable according to *Apple Computer Inc.*

The arguments presented above with regard to Claim 13 apply also to the claim language recited on lines 3 - 7 of Claim 15. Applicant also respectfully submits that Curkendall does not teach the "constructing ..." and "verifying ..." claim elements recited in Claim 15 on lines 8 - 12 and 13 - 14, respectively. When analyzing the previous claim language of Claim 15, the Office Action cites paras. [0012], [0027], and [0363] of Curkendall (Office Action, p. 7, line 11 - p. 8, line 13). Paragraphs [0012] and [0027] have been discussed above with regard to Claim 13. Para. [0363] discusses 16 "points of individual live animal data" (para. [0363, lines 4 - 5), and refers to **Fig. 54**. However, neither para. [0364] or **Fig. 54** teaches "one or more locations stated in the country of origin claim" (Claim 15, line 14). Accordingly, each and every limitation of Applicant's Claim 15 is not disclosed therein, and Claim 15 is therefore deemed patentable according to *Apple Computer Inc.*

Independent Claim 16:

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In response to Applicant's prior response with regard to Claim 16, the Office Action cites

para. [0249] of Curkendall as teaching "the GroupEvents component permits any event or one or

more regimen to be applied to a group of animals". Office Action, p. 15, lines 3 - 4. This quoted

language is found at lines 1 - 3 of para. [0249]. Applicant notes, however, that this same

sentence from para. [0249] continues by stating "and to create individual event transactions for

each animal in that group" (para. [0249], lines 3 - 4, emphasis added). Applicant respectfully

notes that there is no teaching or suggestion that a common identifier is used for the "group

transaction" discussed in para. [0249]; instead, it appears equally likely that a different identifier

might be created for each of the "individual event transactions". Accordingly, Applicant

respectfully submits that the cited para. [0249] fails to teach each and every limitation of his

claim language as recited in Claim 16, which explicitly states "a [single] unique identifier

associated with each transfer of a group of animals" (Claim 16, lines 3 - 4, emphasis added).

Applicant also respectfully submits that para. [0395] of Curkendall, which is cited in the

Office Action when analyzing the "means for linking" claim language as previously recited in

Claim 16 (Office Action, p. 9, lines 13 - 20), fails to teach the "most-recent prior transfer" and

"linkage" claim language as currently recited on lines 9 - 12 of Claim 16.

In view of the above, Claim 16 is deemed patentable over Curkendall. Claim 17 is

deemed patentable by virtue of (inter alia) the patentability of Claim 16 from which it depends.

Independent Claim 18:

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In response to Applicant's prior response with regard to Claim 18, the Office Action cites para. [0237] of Curkendall with regard to representing "a discrete transaction". Office Action, p. 16. lines 5 - 12. Discussing a discrete transaction, however, is not the same as teaching a unique identifier for a transfer from an original owner (Claim 18, lines 3 - 4), and a different unique identifier for each subsequent transfer (Claim 18, lines 5 - 6).

See also the discussion of para. [0237] presented above with regard to Claim 1, where Applicant explains that para. [0237] states that an event is a group of data used to represent a discrete transaction against an animal, referring to the animal in the singular, and as noted above by Applicant, this is different from Applicant's claim language which refers to animals in the plural. See Claim 18, line 3, "associating a unique identifier with animals transferred ..." (notably, a single transfer from an "original" owner, yet multiple animals).

Applicant also respectfully notes that the analysis of the "associating" recited on lines 5 - 6 Claim 18 (Office Action, p. 10, lines 15 - 20) presents contradictory information. Para. [0395] of Curkendall is cited therein, noting that this paragraph states that an Animal ID is common through changes of ownership. Clearly, this common (i.e., unchanging) Animal ID is different from Applicant's claimed "different" unique identifier. That is, Applicant's claim language recites that the "unique identifier" is different (i.e., changes) with each subsequent transfer, and Applicant therefore respectfully submits that the cited para. [0395] teaches away from the limitations as recited in Claim 18.

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Applicant also respectfully submits that para. [0395] of Curkendall, which is cited in the

Office Action when analyzing the "means for linking" claim language as previously recited in

Claim 18 (Office Action, p. 11, lines 1 - 6), fails to teach the "most-recent previous transfer"

claim language as currently recited on lines 7 - 9 of Claim 18.

In view of the above, Claim 18 is deemed patentable over Curkendall. Dependent Claim

19 is therefore deemed patentable by virtue of (*inter alia*) the patentability of Claim 18 from

which it depends.

Independent Claim 20:

In response to Applicant's prior response with regard to Claim 20, the Office Action cites

para. [0237] of Curkendall with regard to representing "a discrete transaction". Office Action, p.

16, line 18 - p. 17. line 3. As noted above with regard to Claim 18, discussing a discrete

transaction is not the same as teaching a unique identifier for each transfer, and assigning.

The arguments presented above with regard to the claim language from lines 5 - 6 of

Claim 18 apply equally to the Office Action analysis of the "assigning ..." and "repeating ..."

claim elements recited on lines 5 - 6 and lines 7 - 9 of Claim 20, respectively. That is, use of a

common (i.e., unchanging) Animal ID as disclosed in the cited para. [0395] of Curkendall is

clearly different from Applicant's claimed unique identifier assigned to each passport (Claim 20,

lines 5 - 6), where each such passport represents a different transfer (Claim 20, lines 3 - 4). That

is, according to Applicant's claim language, the "unique identifier" changes with each

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subsequent transfer. Applicant therefore respectfully submits that the cited para. [0395] teaches

away from the limitations as recited in Claim 20.

Applicant also respectfully submits that para. [0395] of Curkendall, which is cited in the

Office Action when analyzing the "repeating" claim language as previously recited in Claim 20

(Office Action, p. 12, lines 7 - 13), fails to teach the "most-recent previous transfer" claim

language as currently recited on lines 7 - 9 of Claim 20.

In view of the above, Claim 20 is deemed patentable over Curkendall.

The Examiner is therefore respectfully requested to withdraw the §102 rejection of all

claims as currently presented.

II.   Conclusion

Applicant respectfully requests reconsideration of the pending rejected claims,

withdrawal of all presently outstanding rejections, and allowance of all claims at an early date.

Respectfully submitted,

/Marcia L. Doubet/

Marcia L. Doubet
Attorney for Applicant
Reg. No. 40,999

Cust. Nbr. for Corr.: 25260
Phone: 407-343-7586
Fax: 407-343-7587

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